# ARTICLE 6 PLANNED UNIT DEVELOPMENT

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## ARTICLE 6 PLANNED UNIT DEVELOPMENT (PUD)

#### DIVISION 1 GENERAL PROVISIONS

Planned Unit Developments are authorized by state statute at Title 24, Article 67, C.R.S.

**Section 6-101** Allowed Uses. All uses that are allowed in the underlying zone district where the PUD is located, and any other uses that are consistent with the Comprehensive Plan and compatible with the site's physical and environmental characteristics may be allowed in a PUD.

**Section 6-102 Waiver or Modification of Requirements.** The Board of County Commissioners may waive or modify specifications, standards and requirements such as density, setbacks, height restrictions, land dedications, improvement standards and related requirements that would be otherwise applicable to a particular land use, if such waiver or modification furthers the objectives of these PUD regulations.

**Section 6-103** Relationship to Zoning and Subdivision. The PUD is a type of customized zoning district. If a PUD consists of individual lots, subdivision plat or exemption plat approval also will be required.

#### DIVISION 2 PLANNED UNIT DEVELOPMENT REVIEW PROCESS

**Section 6-201 Outline of Procedure.** The PUD Review Process shall consist of the following procedures.

- **A.** Pre-Application Conference
- B. Preliminary PUD Plan Review
- C. Final PUD Plan Review
- **D.** Recordation

#### Section 6-202 Review Procedures.

- **A. Pre-application Conference**. A Pre-Application Conference shall be held in accordance with the provisions of Article 4, Section 4-103 A, *Pre-Application Conference*.
  - 1. Concept Narrative. The applicant shall present a Concept Narrative of the proposed PUD in sufficient detail to accurately convey the general concept of the proposal. Detail shall include:

- (1) Concept Description. Location of property; existing zoning, use and density; proposed zoning, use, densities and lot sizes; existing zoning and use of surrounding property, including densities; existing and proposed access; existing and proposed source of water; existing and proposed wastewater treatment system; phasing if entire project is not being done at one time; unique features on the site which might enhance the site and proposed use; a discussion of the anticipated impacts and proposed mitigation.
- (2) Additional Information Required. At the request of the Director, the applicant shall provide any reasonable additional conceptual information as needed to help clarify the proposal being made.
- **B.** Preliminary PUD Plan Review. The following procedures shall apply to the Preliminary PUD Plan Review. The [Administrator/Director] may allow combined review of the Preliminary PUD Plan and the Final PUD Plan.
  - **1. Application.** The application materials required for Preliminary PUD Plan Review are set forth in Section 6-302 A.
  - 2. Determination of Completeness. The [Administrator/Director] shall review the application for determination of completeness in accordance with the provisions of Article 4, Section 4-103 C, Determination of Completeness.
  - **3. Schedule Public Hearing.** Upon a determination of completeness, the [*Administrator/Director*] shall schedule the Preliminary PUD Plan for consideration by the Planning Commission.
    - a. Public hearing by the Planning Commission shall be held within sixty (60) calendar days of the date of determination of completeness.
    - **b.** Public notice of the hearing shall be made pursuant to Article 4, Section 4-103 F, *Notice of Public Hearing*.
  - **4. Evaluation by Director/Staff Review.** Upon determination of completeness, the [*Administrator/Director*] shall review the application for compliance with the applicable standards set forth in Section 6-203, *PUD Approval Standards*.

- **a. Staff Report.** A staff report shall be prepared pursuant to Article 4, Section 4-103 E.
- b. Review by Referral Agencies. The [<u>Administrator/Director</u>] evaluation of the application shall include comment by referral agencies received under Article 4, Section 4-103 D, Review by Referral Agency.
- 5. Review and Recommendation by the Planning Commission.

  An application for Preliminary PUD Plan shall be considered by the Planning Commission at a public hearing, after proper notice, conducted pursuant to Article 4, Section 4-103 G, Conduct of Public Hearing.
  - a. Recommendation by Planning Commission. The Planning Commission shall review the application based upon compliance with the standards set forth in Section 6-203, *PUD Approval Standards*.
    - (1) Recommendation of Approval. If the application satisfies the applicable standards, the Planning Commission shall recommend that the application be approved;
    - (2) Recommendation of Denial. If the application fails to satisfy the applicable standards the Planning Commission may recommend that the application be denied, or
    - (3) Recommendation of Conditional Approval. The Commission may recommend approval with conditions determined necessary for compliance with the applicable standards.
- **6. Schedule Public Hearing.** The [<u>Administrator/Director</u>] shall schedule the application for consideration by the Board of County Commissioners.
  - a. Public hearing by the Board of County Commissioners shall be held within forty-five (45) calendar days of the date of the Planning Commission recommendation.

- **b.** Public notice of the hearing shall be made pursuant to Article 4, Section 4-103 F, *Notice of Public Hearing*.
- 7. Review and Action by the Board of County Commissioners.

  The final decision to approve, approve with conditions or deny an application for Preliminary PUD Plan shall be made by the Board of County Commissioners at a public hearing.
  - a. **Decision by Board.** Following a public hearing conducted pursuant to Article 4, Section 4-103 G, *Conduct of Public Hearing*, the Board of County Commissioners shall approve, approve with conditions or deny the application based upon compliance with the standards set forth in Section 6-203, *PUD Approval Standards*.
    - (1) Approval of Application. If the application satisfies the applicable standards, the application shall be approved;
    - (2) Denial of Application. If the application fails to satisfy the applicable standards, the application may be denied, or
    - (3) Conditional Approval of Application. The application may be approved with conditions determined necessary for compliance with applicable standards.
- **C. Final PUD Plan Review.** The following review procedures shall apply to Final PUD Plan Review.
  - **1. Application.** The application materials required for PUD Final Plan Review are set forth in Section 6-302 A.
  - 2. **Determination of Completeness.** The [Administrator/Director] shall review the application for determination of completeness in accordance with the provisions of Article 4, Section 4-103 C, Determination of Completeness.
  - **3. Schedule Public Hearing.** Upon a determination of completeness, the [*Administrator/Director*] shall schedule the Final PUD Plan for consideration by the Board of County Commissioners.

- a. Public hearing by the Board of County Commissioners shall be held within forty-five (45) calendar days of the date of determination of completeness.
- **b.** Public notice of the hearing shall be made pursuant to Article 4, Section 4-103 F, *Notice of Public Hearing*.
- **4. Evaluation by Director/Staff Review.** Upon determination of completeness, the [*Administrator/Director*] shall review the application for compliance with the standards set forth in Section 6-203, *PUD Approval Standards*, and prepare a staff report pursuant to Article 4, Section 4-103 E.
- 5. Review and Action by the Board of County Commissioners.

  The final decision to approve, approve with conditions or deny an application for Final PUD Plan shall be made by the Board of County Commissioners at a public hearing.
  - a. **Decision by Board.** Following a public hearing conducted pursuant to Article 4, Section 4-103 G, *Conduct of Public Hearing*, the Board of County Commissioners shall approve, approve with conditions or deny the application based upon compliance with the standards set forth in Section 6-203, *PUD Approval Standards*.
    - (1) Approval of Application. If the application satisfies the applicable standards, the application shall be approved;
    - (2) Denial of Application. If the application fails to satisfy the applicable standards, the application may be denied. or
    - (3) Conditional Approval of Application. The application may be approved with conditions determined necessary for compliance with applicable standards.
- **Revisions to Zoning District Maps.** Approval of a PUD Final Plan shall be recorded on the Official Zoning Maps filed in the Planning Department as soon as practicable after the PUD becomes effective.

#### D. Recordation.

- Completion of Conditions of Approval. The applicant must complete all conditions of Final PUD Plan approval prior to recording the Final PUD Plan and associated documents.
- 2. Approval of PUD Development Guide. The Final PUD Plan may not be filed for recording until the Board has approved a PUD Development Guide.
- Effective Upon Recording. The Final PUD Plan does not become effective until it is properly filed for recording with the County Clerk and Recorder.
- **4. Public Sale of Lots.** A PUD becomes complete and eligible for public sale of lots and development only after the Final PUD Plan and associated documents are recorded.

**Section 6-203 PUD Approval Standards.** *In addition* to the applicable standards set forth in Article 7, *Standards*, the following approval standards shall apply to PUD applications.

- A. Conformity with [Comprehensive Plan/Master Plan] and Intergovernmental Agreements. The PUD shall conform to the County's [Comprehensive Plan/Master Plan] and applicable intergovernmental agreements.
- **B.** Relationship to Surrounding Area. The PUD will not have an adverse impact on the surrounding area. The PUD is compatible with the scale, intensity and type of uses located on adjacent property.
- **C. Visual Impacts.** The layout and design of the PUD shall preserve views and vistas, construction on ridgelines that are visible from major roadways or residential development shall be prohibited, and the design shall be compatible with the surrounding natural environment.
- **D Street Circulation System.** The PUD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience and access. Private internal streets may be allowed, provided that adequate access for police and fire protection is maintained. Bicycle traffic shall be provided for when the site is used for residential purposes.

- **Pedestrian Circulation.** The PUD shall provide pedestrian ways throughout the PUD that allow residents to walk safely and conveniently among areas of the PUD.
- **F.** Open Space. The PUD shall preserve at least twenty-five (25) percent of the area as open space unless the use is predominately commercial or industrial, in which case common areas such as pedestrian plazas, gathering areas, fountains and similar features may be included in lieu of open space.
- **G** Housing Variety. The PUD shall provide for variety in housing types, price and ownership forms.
- **H.** Affordable Housing. The PUD shall comply with affordable housing requirements applicable pursuant to Section 8-102 of Article 8, *Affordable Housing*.
- **I. Fire Hazards.** Fire hazards will not be created or increased;
- **J. Recreation Amenities.** The PUD shall provide recreational opportunities and amenities to residents of the PUD.
- K. Compliance with Preliminary PUD Plan Approvals. The Final PUD Plan complies with all conditions of Preliminary PUD Plan approval.
- **L.** Adequacy of Supporting Materials. The Final PUD Plan meets all planning, engineering, and surveying requirements of these Regulations for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
- **M. Taxes.** All taxes applicable to the land have been paid, as certified by the County Treasurer's Office.

# DIVISION 3 PLANNED UNIT DEVELOPMENT SUBMITTAL REQUIREMENTS

**Section 6-301 Basic Requirements.** All materials shall be prepared by qualified professionals. The professional qualifications for preparation and certification of documents required by these PUD regulations are set forth in Article 4, Section 4-602 A.

Section 6-302 Application Materials.

- **A. Submittal Requirements.** Following are the application materials required for a PUD. The [<u>Administrator/Director</u>] may waive or alter any of these requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.
  - 1. Application Form and Fees
  - 2. Vicinity Map
  - 3. Preliminary PUD Plan
    - a. Site Plan
    - b. Written Description
    - c. Land Suitability Analysis
    - d. Impact Analysis
    - e. Erosion Control and Drainage Report
    - f. PUD Development Guide
  - 4. Final PUD Plan
    - a. Site Plan
    - b. Street/Road Plans and Profiles
    - c. Covenants, Conditions, Restrictions
    - d. PUD Development Guide, approved
- B. Description of Submittal Requirements.
  - 1. Application Form. Application forms for a land use change application proposing PUD development shall be obtained from the [Planning Department]. Completed application forms and accompanying materials shall be submitted to the [Administrator/Director] by the owner, or any other person having a recognized fee title interest in the land for which a land use change is proposed, or their authorized agent.
    - **a. Applicant is not the owner**. If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application.
    - **b. Applicant is not the sole owner**. If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by the other owners or an association representing the owners consenting to or joining in the application.
  - **2. Fees.** The application must be accompanied by the appropriate fees. A schedule of fees is available through the [*Planning Department*].

- a. Payment of Consultant Fees. Pursuant to Article 4, Section 4-102, *Consultants*, the cost of consultant and referral agency review are the responsibility of the applicant.
  - (1) The County may require a deposit for payment of consultant and referral agency review fees, based upon estimated consultant review costs, at the time of application and in addition to the application fees.
  - (2) The County may suspend the application review process pending payment of consultant costs.
- 3. Basic Requirements for Maps and Plans. The following are basic requirements for the maps and plans submitted under these application and review procedures.
  - **a.** Name or identifying title of the proposed development or use.
  - **b.** Total area of the site, in acres.
  - c. Name, address and telephone number of the applicant, person preparing the map or plan, designer, engineer, surveyor, and any other consultants of the applicant.
  - **d.** Date of preparation, revision box, written scale, graphic scale, and north arrow.
- **4. Vicinity Map.** An 8 ½ x 11 vicinity map locating the parcel in the County. The vicinity map shall clearly show the boundaries of the subject property, and all property within a 3-mile radius of the subject property.
- 5. Site Plan, Preliminary PUD Plan. The site plan for a Preliminary PUD Plan shall include the following information.
  - a. Prepared on standard 24 x 36 sheets.
  - b. Adjacent land owned by the applicant that is not part of the proposed request and the current and intended use of the land.

- c. Topography at ten-foot contours, with delineation of areas having slopes twenty percent or more and other significant topographic conditions at more defined contours.
- d. Public access to site, and internal circulation. The widths, lines, and names of all existing and proposed streets, drives, alleys and roads on or affecting the site, and names of existing streets and alleys, if known, on or adjoining the property. The general location and right-of-way widths for all arterials and collectors shall be shown.
- e. Existing land uses and zoning on adjoining properties.
- f. Public or private sources of utility services and facilities.
- g. Areas for landscaping.
- h. Location of all land uses and proposed densities, where applicable.
- Proposed use and gross square footage of structures and anticipated number of employees if commercial or industrial uses.
- j. Depiction of all natural and man-made water courses, retention areas, streams and lakes. Any known one hundred year flood plains affecting the property shall also be delineated as per the national Flood Plain Insurance Map or those maps provided by the US Army Corps of Engineers or another recognized source.
- k. Land to be held in common, open space devoted to community use, and land to be dedicated to County.
- Water supply plan approved by the State Division of Water Resources.
- Building envelopes in hazardous areas to protect trees and other natural resources, if deemed appropriate by planning staff.
- n. Signature block.

### **6. Final PUD Plan.** The Final PUD Plan shall include:

- a. Location or vicinity map to scale.
- b. Drawing at a scale of 1 inch equals 100 feet or a scale approved by the Director which clearly shows the entire proposal. Photo Mylar shall be used with outer dimensions of 24 x 36.
- c. Legal description.
- d. Primary control points, or descriptions and "ties" to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- e. Location and description of monuments.
- f. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radius, arcs, and central angles of all curves.
- g. Names and right-of-way width of each street or other right-of-way, even if for private maintenance and responsibility.
- h. Uses and grantees of all existing and proposed easements and rights-of-way on or adjacent to the parcel, shown by location and dimension.
- i. Statement by owner dedicating streets, rights-of-way, and any sites for public use.
- j. Number to identify each lot or site, such as lot and block numbers.
- k. Purposes of sites other than residential lots that are dedicated or reserved.
- I. Gross and net acreage of individual lots or sites, calculated to two decimal places.
- m. Flood plains and building envelopes.

- n. Certification of title showing the applicant is the land owner or option-holder.
- o. Certification by the project surveyor certifying to the accuracy of the survey and plat.
- p. Certification of Planning Department.
- q. Certification for approval of the Board of County Commissioners.
- r. Certification for the County Clerk and Recorder.
- s. Additional Materials.
  - (1) Streets/roads plans and profiles.
  - (2) Covenants, Conditions, Restrictions.
  - (3) Estimated construction costs and proposed method of financing of the streets and related facilities, water distribution system, sewage collection system, storm drainage facilities, and such other utilities as may be required of the applicant by the County.
  - (4) Development Guide.
  - (5) Erosion control and drainage report.
  - (6) Mechanism for maintaining and preserving open space and common areas.
  - (7) Certification of taxes paid.
- **7. PUD Written Description.** A written description of the proposal shall include the following information.
  - a. The names and addresses of owner, applicant and representative.
  - b. General project concept and purpose of the request.

- c. Relationship of the proposed PUD development to the existing land uses and adjacent property land uses.
- d. The staging and timing for the proposed development.
- e. Compliance with the Comprehensive Plan.
- f. Source of and legal right to water. Written confirmation of service availability from a water and sanitation district if the property lies within the district boundaries.
- g. Method of wastewater treatment and disposal.
- h. Type or method of fire protection.
- The names and addresses of mineral rights owners on the affected property and mineral rights lessees; names and addresses of water rights owners.
- j. Description of natural and manmade hazards.
- k. Discussion of impacts on services, including but not limited to County services, town services and schools.
- Discussion of impacts on existing flora and fauna, air quality, wildlife, historical lands or sites, drainage or mineral extraction.
- 8. PUD Development Guide. Any PUD must submit a PUD Development Guide prior to approval of the PUD. The Development Guide may also be incorporated into any development agreement.
  - a. The PUD Development Guide shall comply with goals and policies of the Comprehensive Plan and any intergovernmental agreement affecting land use or development.
  - **b.** The PUD Development Guide shall contain landscape design guidelines that include design criteria for the construction of parks, trails, rights-of-ways and all other land held in common.

- c. The PUD Development Guide shall propose development and site design standards and requirements for the PUD development. Appropriateness of standards and requirements for development shall be evaluated on the basis of the environmental and impact assessment, referral agency response, professional and academic reports and studies, adjacent land uses and natural environment, locations and other information available to the County. The current and future owners and their assigns shall be required to develop the proposed project in accordance with the approved and recorded PUD Plan.
- **9. Impact Analysis.** The requirements for an Impact Analysis are set forth in Article 4, Section 4-602 E.
- **10.** Land Suitability Analysis The requirements for a Land Suitability Analysis are set forth in Article 4, Section 4-602 D.

#### DIVISION 4 FLOWCHARTS

#### Section 6-401 PUD Review Process Flowchart



